IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7917 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAM PRAKASH ARORA - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

M/S THAKKAR ASSOC. for Petitioner(s) : 1,
Mr. DIPEN DESAI, Asst. GOVERNMENT PLEADER for Respondent(s) : 1,
M/S PATEL ADVOCATES for Respondent(s) : 2,
NOTICE SERVED for Respondent(s) : 3,
MR DC DAVE for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 05/04/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has

prayed for an appropriate order directing the respondents to make payment of pension to the petition from the date of retirement, i.e., 31.10.1996.

2. While admitting the present Special Civil Application, the learned Single Judge of this Court granted interim order directing the respondents No. 1 to 3 to process the pension papers of the petitioner and make necessary orders within one month. It is reported that pursuant to the said decision the pension papers of the petitioner were processed and by order dated 11th July 1998 it is held that the petitioner is not entitled to pension and whatever amount was deducted by way of C.P.F., was ordered to be returned to the petitioner however the same was without any interest. So far as the order dated 11th July 1998 by which it is held that the petitioner is not entitled to pension is concerned, the same is accepted by the petitioner and has not been challenged. On the

contrary, the petitioner has challenged the action of the respondents in not paying the interest on the amount of C.P.F., which was ordered to be returned by order dated 11th July 1998. Mrs. Pahwa, learned advocate appearing on behalf of the petitioner has submitted that in view of the order dated 11th July 1998, which is not challenged, the prayer of the petitioner directing the respondents to make payment of pension will not survive and to that extent the petition is required to be dismissed. Accordingly, the petition is dismissed. Rule is discharged. No costs.

[M.R. Shah, J.]

rmr.